

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. H-06/09-356  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the policies of the Office of Vermont Health Access (OVHA) regarding Medicaid/Dr. Dynasaur coverage of children's eyeglasses. The following facts are not in dispute and are based on the representations of the parties at and after hearings in the matter held on August 6 and September 3, 2009.

## FINDINGS OF FACT

1. The petitioner's son has a prescription for eyeglasses which he must wear all of the time. He is active in sports and has a history of breaking his glasses and frames, which has required frequent repairs and replacements (which it appears OVHA has always covered). He is currently using glasses and frames that were purchased within the last year, and which are not yet broken.

2. Earlier this summer the boy's grandfather purchased a set of flexible frames for him as a gift. The petitioner brought the frames to the boy's optometrist and asked that

the provider submit a request to OVHA for prior approval of either a new set of lenses for the flexible frames or refitting his current lenses to the new frame. It appears that the provider has refused to submit the request to OVHA because it did not order the flexible frames and it does not believe fitting them with appropriate lenses would be covered at this time.

3. At the hearing the petitioner was advised that neither the Board nor OVHA has the authority to order a provider to request prior authorization. The petitioner was further advised that when and if the boy's glasses actually break or need repair, however inevitable or predictable that may be at this time, the petitioner can attempt to use the new frames with this, or any other, provider they choose for that repair or replacement.

#### ORDER

To the extent that the petitioner's appeal implicates OVHA's policies regarding coverage and replacement of children's eyeglasses, those policies are affirmed.

#### REASONS

Under section 7316.3 of the Medicaid regulations, prescriptions for frames and lenses for children's eyeglasses

are covered only once every two years. The regulation also provides that earlier replacement of either frames or lenses is limited to instances of loss, damage, or a change in acuity requiring new lenses, and that all lenses and frames must be purchased through the Department's "sole-source supplier".

In this case, the petitioner is not seeking coverage for her son's flexible frames, which were purchased for him as a gift from another family member. Although the Board does not have authority over the actions of the petitioner's provider, it appears that the provider's position in not asking OVHA for prior approval to refit the boy's current lenses into his new frames, or not requesting new lenses for those frames, is consistent with the above regulations. Thus, it does not appear that the Board can provide any relief to the petitioner at this time.<sup>1</sup> 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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<sup>1</sup> The petitioner is free to appeal any decision she receives in the future regarding coverage of her son's eyeglasses.